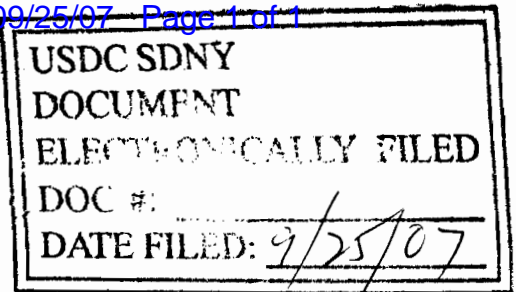


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



DAWNE LULEFF, on behalf of herself
and all others similarly situated,

Plaintiff,

- against -

BANK OF AMERICA, N.A. et al.,

Defendants.

06 Civ. 1435 (JGK)

ORDER

JOHN G. KOELTL, District Judge:

For the reasons stated on the record on **September 13, 2007**, the plaintiff may file an amended Complaint. Consequently, the defendant Bank of America's motion to dismiss (Docket No. 35) is denied without prejudice as moot. The motion to dismiss by Columbia Funds and William Carmichael (Docket No. 38) is denied without prejudice as moot in view of the Stipulation dismissing the action against those defendants (Docket No. 48). The Clerk is directed to remove items Number 35 and Number 38 on the docket sheet from the Court's pending motions list.

SO ORDERED.

Dated: New York, New York
September 24, 2007

A handwritten signature of John G. Koeltl in black ink.

John G. Koeltl
United States District Judge